

REMARKS

Claims 7-12 are pending in the present application. Claims 7 and 9 have been amended. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

The Examiner objected to the disclosure because of the presence of informalities. In particular, the Examiner objected to the word "autarkic" in the specification and asserted that the word be translated or properly defined. Applicants disagree with the Examiner's objection. The word "autarkic" is plainly defined in Webster's dictionary as meaning "a condition of self-sufficiency." Further, Applicants have specifically defined "autarkic" in the present specification as a process in which the battery is removed and the unit "itself consumes electric power from the energy reserve." See Substitute Specification, page 1, lines 14-16. Accordingly, the objection should be withdrawn.

Claims 7-8, 10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,420,790 ("Ravas '790"). For at least the following reasons, this rejection of the presently pending claims should be withdrawn.

In order to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter of the claims. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." See M.P.E.P.

§ 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'l. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherence of that result or characteristic. Accordingly, it is respectfully submitted that any anticipation rejection premised on the inherency doctrine is not sustainable absent the foregoing conditions.

In support of the rejection of claim 7, the Examiner asserts that Ravas '790 teaches the connection of a voltage regulator between an energy reserve and at least one ignition power module. Applicants respectfully disagree with the Examiner's assertion. Contrary to the Examiner's argument that the battery (reference number 16) is an energy reserve, capacitors 30 and 32 are clearly discussed in Ravas '790 as comprising the reverse energy system. See Ravas '790, Col. 2, lines 57-60. In the Ravas '790 reference, elements 30 and 32 are clearly not connected directly to the voltage regulator (reference number 20). See Ravas '790, Figure 1. Furthermore, contrary to the Examiner's assertion, the at least one ignition power module, which the Examiner claims is firing circuit 8, is not connected to the voltage regulator. See id. The voltage regulator in Ravas '790 is connected to a microprocessor, an accelerometer, an isolation circuit, and a diode as evidenced by Fig. 1. The regulator in Ravas '790 is not connected between the energy reserve system and the ignition power module.

In addition to the above, Applicants have amended claim 7 to further clarify that the voltage regulator is directly connected to the energy reserve and the ignition power module. This is not disclosed or suggested by Ravas '790. Claim 7 has also been amended to recite a control module that selectively triggers the voltage regulator to allow for operation as a safety semiconductor when the voltage regulator is disconnected from the battery. Ravas '790 does not disclose a voltage regulator alternatively acting as a safety semiconductor, nor does Ravas '790 contain any disclosure of a control module that triggers the voltage regulator to operate in these separate states.

For at least the foregoing reasons, claim 7 and its dependent claims 8, 10, and 12 are allowable over Ravas '790, and the anticipation rejection should be withdrawn.

Claims 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravas '790 in view of U.S. Patent No. 5,459,449 ("Ravas '449"). Applicants respectfully submit that this rejection should be reversed for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). In addition, all the teachings of the prior art must be considered, including those which teach away from the claimed invention. (See MPEP 2143.01.II). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claims 9 and 11 depend from claim 7, as presented, and therefore claims 9 and 11 are allowable for essentially the same reasons as claim 7, as presented, since the Ravas '449 reference does not cure -- and is not asserted to cure -- the critical deficiencies of the primary Ravas '790 references as applied against parent claim 7.

Independent of the above, in support of the rejection of claim 9, the Examiner asserts that Ravas '449 teaches a diagnosis provided for a safety semiconductor. Applicants disagree with the Examiner's assertion. Ravas '449 does not disclose or suggest that the voltage regulator (reference character 24) may operate as a safety semiconductor. In support of the rejection of claim 9, the Examiner contends that elements 20 or 34 in Ravas '449

disclose a safety semiconductor. However, the teachings of Ravas '449 can be easily distinguished from the present claimed invention of parent claim 7 in which the voltage regulator itself is triggered to act as a safety semiconductor when disconnected from the battery, and there is no separate and distinct safety semiconductor. Ravas '449 also does not contain any disclosure of the presence of a control module which triggers the voltage regulator to function as a safety semiconductor.

Applicants also disagree with the Examiner's assertion that a diagnosis is provided for the safety semiconductor in Ravas '449. In support of this argument, the Examiner refers to element 44 of Ravas '449 as purportedly teaching a diagnosis element. However, element 44 in Ravas '449 is an analog-to-digital converter, which A/D converter simply provides a digital representation of the sampled voltage to the microprocessor. See Ravas '449, Col. 3, lines 22-26. In no manner is it disclosed or suggested in Ravas '449 that the A/D converter has any functionality as providing diagnosis for a safety semiconductor.

For at least the foregoing reasons, Applicants submit that claims 9 and 11 which depend on claim 7 are not rendered obvious by the combination of Ravas '790 and Ravas '449, and the obviousness rejection should be withdrawn.

Claims 7-8, 10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,805,058 ("Saito"). For at least the following reasons, this rejection of the presently pending claims should be withdrawn.

Saito does not disclose or suggest directly connecting the voltage regulator to the energy reserve system and the ignition power module, as evidenced by Figure 1 of Saito. See Saito, Figure 1. Applicants further argue that Saito does not contain any disclosure of a voltage regulator. A voltage regulator is an electrical circuit component that is used to maintain a constant output despite a changing input. Saito does not disclose such an element, but rather discusses a step-up transforming circuit such as a DC-DC converter (reference character 4). A step-up circuit does not hold a constant output, but rather is intended for the purposes of stepping up the voltage output. Therefore, for any increase in the input, the output voltage would subsequently rise. For at least these reasons, Saito does not disclose or suggest a voltage regulator that maintains a constant output.

Saito also does not contain any disclosure of a control module that selectively triggers the voltage regulator to allow for operation as a safety semiconductor when the voltage regulator is disconnected from the battery. Since Saito does not disclose a voltage regulator, it certainly does not disclose a voltage regulator alternatively acting as a safety semiconductor.

For at least the foregoing reasons, claim 7 and its dependent claims 8, 10, and 12 are allowable over Saito, and the anticipation rejection should be withdrawn.

Claims 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of U.S. Patent No. 5,459,449 ("Ravas '449"). Applicants respectfully submit that this rejection should be reversed for at least the following reasons.

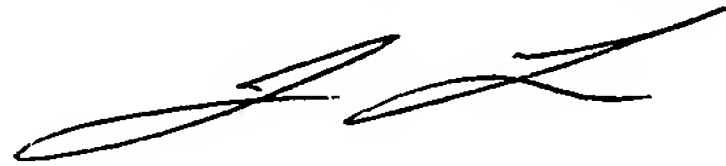
Claims 9 and 11 depend from claim 7, as presented, and therefore claims 9 and 11 are allowable for essentially the same reasons as claim 7, as presented, since the Ravas '449 reference does not cure -- and is not asserted to cure -- the critical deficiencies of the Saito references as applied against parent claim 7. Ravas '449 does not disclose or suggest a voltage regulator operating as a safety semiconductor or that a diagnosis is provided for the safety semiconductor. Accordingly, by virtue of dependence of claims 9 and 11 on claim 7, Applicants submit that claims 9 and 11 are not rendered obvious by the combination of Saito and Ravas '449, and the obviousness rejection should be withdrawn.

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CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 7-12 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,



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